Filed 2/14/19 Marriage of Lionel CA2/7

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

In re Marriage of MARION DEMELLO HELEN and EVAN LIONEL.	B283746 (Los Angeles County Super. Ct. No. BD555764)
MARION DEMELLO HELEN LIONEL, Petitioner and Respondent, v. EVAN LIONEL, Appellant.	

APPEAL from a judgment of the Superior Court of Los Angeles County, Virginia Keeny, Judge. Affirmed.

Evan Lionel, in pro. per., for Appellant.

Law Offices of Leigh Alan Datzker and Leigh Alan Datzker, for Petitioner and Respondent.

Evan Lionel appeals from the judgment in a marital dissolution proceeding, arguing that the determination of the court was unfair, and reflected bias and prejudice. Because Evan has waived his contentions on appeal, we affirm.

PROCEDURAL AND FACTUAL SUMMARY

This marital dissolution proceeding commenced in 2012. Petitioner, Marion Lionel and Appellant, Evan Lionel[1] were married in 2001, and have three minor children. Preliminary orders followed, which are not the subject of this appeal.

The parties tried the matter to the court on April 11, April 25, and October 16, 2016. The court permitted post-trial briefing, and issued a 41 page Proposed Statement of Decision on January 3, 2017. The court issued its final Statement of Decision on March 7, 2017; appellant has not provided this court with a copy of the final statement. On April 18, 2017, the court entered orders on attorney's fees. The court entered judgment on June 5, 2017.

DISCUSSION

Despite extensive evidence elicited during the trial of this matter, generating more than 400 pages of reporter's transcript, Evan's briefs contain no citations to the record. The briefs instead contain Evan's view of the evidence. He has forfeited any claim of error as a result.[2]

---

[1] Because the parties share the same last name, we will refer to them by their first names, intending no disrespect.

[2] All of Evan's arguments rest on his claims that the court's rulings are contrary to the evidence. A review of the transcripts

It is the duty of appellant to demonstrate error: appealed judgments and orders are presumed correct, and error must be affirmatively shown. (*Denham v. Superior Court* (1970) 2 Cal.3d 557; *Rhue v. Superior Court* (2017) 17 Cal.App.5th 892, 897.)

To demonstrate error, an appellant must present both legal analysis and citations to facts in the record that support his claim that the trial court erred. (*Multani v. Witkin & Neal* (2013) 215 Cal.App.4th 1428, 1457-1458.) It is not the duty of an appellate court to search the record to find facts that pertain to the arguments of an appellant. (*Metzenbaum v. Metzenbaum* (1950) 96 Cal.App.2d 197, 199 ["The party also must cite to the record showing exactly where the objection was made."]; *Berger v. Godden* (1985) 163 Cal.App.3d 1113, 1117, fn. 2; *Estate of Cleland* (1953) 119 Cal.App.2d 18, 21.) "It is not our place to comb the record seeking support for assertions parties fail to substantiate." (*Howard v. American Nat. Fire Ins. Co.* (2010) 187 Cal.App.4th 498, 534.)

Where, as here, there is no citation to an extensive record, we deem appellant's contentions to lack foundation and, thus, to be forfeited. (See *Berger v. Godden, supra,* 163 Cal.App.3d at p. 1117; *Atchley v. City of Fresno* (1984) 151 Cal.App.3d 635, 647.)

---

demonstrates that there was substantial evidence, not disclosed in Evan's briefing, that was contrary to the unsupported recitation of facts in the briefing. Determining the weight to be given to the evidence and the credibility of the witnesses is the exclusive province of the trier of fact. (*Izell v. Union Carbide Corp.* (2014) 231 Cal.App.4th 962, 974; *In re Marriage of Ackerman* (2006) 146 Cal.App.4th 191, 204.)

DISPOSITION

The judgment is affirmed. Respondent is to recover her costs on appeal.

ZELON, J.

We concur:

PERLUSS, P. J.

SEGAL, J.